

Senate, No. 2848

[Senate, July 28, 2008 – Text of the recommended Senate amendment (Ways and Means) to the House Bill providing for the preservation and improvement of land, parks, and clean energy in the commonwealth (House, No. 5005)].



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

SECTION 1. To provide for a capital outlay program of improvement and preservation of the environmental assets of the commonwealth, the sums set forth in section 2, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the law regulating the disbursement of public funds, which sums are in addition to amounts previously appropriated for such purposes.

SECTION 2.

SECRETARY OF THE COMMONWEALTH

Massachusetts Historical Commission

0526-2010 For a grant program to units of municipal government and to private, nonprofit organizations for the preservation of historic properties, landscapes and sites; provided, that such funds shall be awarded in accordance with regulations promulgated by the state secretary, chairman of the Massachusetts historical commission; provided further, not less than \$10,000,000 shall be expended in cities with more than 40,000 inhabitants where: (1) the unemployment rate is at least 1.5 per cent higher than the statewide average; or (2) the median income of the city is 80% or less of the state median income; provided further, that not less than \$5 million shall be

25 expended on projects in cities in which both
26 criteria are applicable; and provided further, that
27 the data used for these awards shall be based on
28 the criteria existing on January 1, 2009\$30,000,000
29

30 **EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

31 *Office of the Secretary*

32 0620-1000 For the water pollution abatement trust established
33 in section 2 of chapter 29C of the General Laws for
34 deposit in the Water Pollution Abatement
35 Revolving Fund established in section 2L of
36 chapter 29 of the General Laws for application by
37 the trust to the purposes specified in section 5 of
38 said chapter 29C, any portion of which may be
39 used as a matching grant by the commonwealth to
40 federal capitalization grants received under Title
41 VI of the federal Clean Water Act\$50,000,000
42

43 0620-2000 For the water pollution abatement trust established
44 in section 2 of chapter 29C of the General Laws for
45 deposit in the Drinking Water Revolving Fund
46 established in section 2QQ of chapter 29 of the
47 General Laws for application by the trust to the
48 purposes specified in section 18 of said chapter
49 29C, any portion of which may be used as a
50 matching grant by the commonwealth to federal
51 capitalization grants received under the federal
52 Safe Drinking Water Act.....\$25,000,000
53

54 1100-2500 For improvements to coastal facilities in
55 designated and non-designated port areas,
56 including those defined in chapter 21F of the
57 General Laws, 301 CMR 25, section 63 of chapter
58 91 of the General Laws and 312 CMR 2.00;

provided, that improvements may include, but shall not be limited to, construction, reconstruction, rehabilitation, expanding, replacing, and improving public facilities, piers, wharves, boardwalks, berths, bulkheads, and other harbor and waterfront facilities; provided further, that an amount not to exceed \$580,000 shall be expended for repair, paving, and a storm-water filtration system for the bulkhead located in the town of Wellfleet; provided further, that not less than \$2,500,000 shall be expended for the Bellegarde Boathouse in the city of Lowell; provided further, that \$3,500,000 shall be expended for the redevelopment of the waterfront in the city of Beverly; provided further, that not more than \$10,000,000 shall be expended for a grant to the New England Aquarium for the renovation of the public space on Central Wharf in the city of Boston; provided further, that not less than \$250,000 shall be expended for the development of the Jones River Landing Environmental Heritage Center in the town of Kingston; provided further, that \$5,000,000 shall be expended for the construction of T-wharf in the town of Plymouth; provided further, that not less than \$600,000 shall be expended for the rehabilitation of the Jacobs Meadow outfall channel wall in the town of Cohasset; and provided further, that not less than \$25,000,000 shall be expended on capital improvements to the state pier facility in the city of New Bedford, which improvements shall be made to further economic development within the port of New Bedford; projects may include, but shall not be limited to, a multi-use facility for water

93 dependent cargo, commercial fishing
94 improvements, commercial marine transportation
95 improvements, marine educational facilities, a
96 fresh produce and fish market, and capital
97 improvements related to tourism, public recreation
98 and other economic development within the port of
99 New Bedford.....\$86,180,000

100

101 *Division of Capital Asset Management and Maintenance*

102

103 1102-5000 For the modernization of the Senator William X.
104 Wall experimental station in the city of Lawrence
105 including, but not limited to, the repair and
106 rehabilitation of the building and grounds\$8,000,000

107

108 1102-6000 For the installation of technologies, equipment and
109 materials to reduce energy and water consumption
110 at either existing or new state facilities and to
111 increase the amount of installed renewable energy
112 that result in actual energy and water savings
113 above the minimum standards established by
114 Executive Order No. 484 and the “Massachusetts
115 LEED Plus” standard, described in Administration
116 and Finance Bulletin 12; provided, that the division
117 shall consult with the executive office of energy
118 and environmental affairs and the division of
119 energy resources in developing project priorities;
120 and provided further, that funding may be used to
121 supplement technical and feasibility analyses, fund
122 incremental costs of equipment or materials, and
123 conduct evaluation analyses of projects to
124 determine their effectiveness and replicability at
125 additional facilities.....\$30,000,000

126

127 1102-7000 For the rehabilitation of the division of fish and
128 wildlife Cronin Field Headquarters Building and the
129 construction of additional adjacent buildings in the
130 town of Westborough, including but not limited to,
131 new construction, repair and rehabilitation of
132 buildings and grounds\$25,000,000
133
134

135 **EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.**

136 *Office of the Secretary.*
137

138 2000-7013 For the local acquisition for natural diversity (LAND)
139 grant program, formerly the self-help program, to
140 provide assistance to cities and towns in the
141 acquisition of conservation land under section 11
142 of chapter 132A of the General Laws, Article 97 of
143 the Amendments to the Constitution and any
144 regulations adopted by the secretary of energy and
145 environmental affairs to effect this act or section
146 11; provided, that notwithstanding any general or
147 special law to the contrary, the title to any land
148 acquired with funds authorized in this item which
149 is no longer used under said section 11 as open
150 space shall revert to the commonwealth to be
151 managed as open space\$36,000,000
152

153 2000-7014 For the park acquisition and renovation for
154 communities (PARC) grant program, formerly the
155 urban self-help program, to provide assistance to
156 cities and towns in the acquisition of land,
157 assessment and remediation of brownfield and
158 greyfield sites and demolition on project sites and
159 construction and restoration of parks and recreation
160 areas under Article 97 of the Amendments to the

Constitution and any regulations adopted by the
secretary of energy and environmental affairs;
provided, that notwithstanding any general or
special law to the contrary, the title to any land
acquired with the funds authorized in this item
which is no longer used as open space shall revert
to the commonwealth to be managed as open
space; provided further, that not less than \$250,000
shall be expended for improvements to Vietnam
Veterans Park in Billerica; provided further, that
not less than \$191,800 shall be expended for
maintenance of and improvements to the Vietnam
Veterans Memorial in Green Hill Park in
Worcester; provided further that \$100,000 shall be
expended for the Massachusetts Vietnam Veteran's
Memorial; provided further, that not less than
\$800,000 shall be expended for repairs to a historic
structure in Hardwick; provided further, that not
less than \$500,000 shall be expended for
improvements to Mapleway Park in Wakefield;
provided further, that not less than \$275,000 shall
be expended for improvement to the Lake Street
water resource and recreation area in Shrewsbury;
and provided further, that not less than \$250,000
shall be expended for improvements to Prospect
Park walking trail in Shrewsbury; provided further,
that not less than \$100,000 shall be expended for
the Nashua River Rail Trail in Ayer, Groton,
Pepperell and Dunstable; provided further, that not
less than \$300,000 shall be expended for the
rehabilitation, improvement and enhancement of
city parks in Methuen; provided further, that not
less than \$50,000 shall be expended for
renovations and upgrades to public parks in

195 Lakeville; provided further, that not less than
196 \$50,000 shall be expended for renovations and
197 upgrades to public parks in Freetown; provided
198 further that not less than \$800,000 shall be
199 expended for a recreation grant in the town of
200 Saugus, including Stocker Park and Belmonte
201 Middle School soccer, track, tennis and baseball
202 complex; provided further, that not less than
203 \$200,000 shall be expended to the Rehoboth
204 Agricultural and Natural Resources Preservation
205 Council for the preservation and protection of
206 critical environmental resources and open space in
207 Rehoboth; provided further that \$50,000 for the
208 town of Dracut to purchase the Canney Farm for
209 the construction of a public park; provided further,
210 that \$500,000 shall be expended for drainage
211 improvements on Frye Road in the City of
212 Methuen; provided further, that \$1,200,000 be
213 expended for urban park restoration within the
214 Emerald Necklace portion of the city of Boston;
215 and provided further, that not less than \$217,000
216 shall be expended for renovation of the public
217 tennis courts in Wakefield.....\$55,000,000

218
219 2000-7015 For the acquisition, development and construction
220 of parks in urban neighborhoods currently
221 underserved with parks consistent with attainment
222 of environmental equity, including planning related
223 thereto; completion of urban forestry and tree
224 planting projects, assessment and remediation of
225 brownfield and greyfield sites intended for reuse as
226 parks, drafting of architectural renderings,
227 construction documents, and other technical
228 documents necessary for parks construction,

229 acquisition of land or interests in land for the
230 creation of parks under Article 97 of the
231 Amendments to the Constitution and construction
232 of parks and all related facilities; provided, that the
233 secretary of energy and environmental affairs may
234 issue grants to public and non-public entities to
235 implement these programs.....\$25,000,000
236

237 2000-7016 For the conservation partnership grant program to
238 assist not-for-profit corporations in acquiring
239 interests in lands suitable for purposes of
240 conservation or recreation; provided, that the
241 corporation shall be formed for one of the purposes
242 described in section 4 of chapter 180 of the
243 General Laws and the corporation shall be
244 considered an exempt organization within the
245 meaning of section 501(c)(3) of the Internal
246 Revenue Code; provided further, that grant funds
247 shall be expended to reimburse an eligible
248 corporation for money expended by it in
249 establishing a project approved by the secretary of
250 energy and environmental affairs under this
251 program in an amount that the secretary shall
252 determine to be equitable in consideration of
253 anticipated benefits from the project, but in no
254 event shall the amount of the reimbursement
255 exceed 50 per cent of the cost of the project;
256 provided further, that no reimbursement shall be
257 made under this item to a corporation unless a
258 project application is filed by the corporation with
259 the secretary setting forth the plans and
260 information that the secretary may require and
261 approved by the secretary, nor until the corporation
262 shall have certified, in a manner approved by the

263 secretary, its ability to provide an amount equal to
264 the total cost of the project, nor until the project
265 has been completed, to the satisfaction of the
266 secretary, in accordance with the approved plans;
267 provided further, that all projects shall include the
268 grant by the corporation of an appropriate
269 perpetual conservation restriction, within the
270 meaning of sections 31 and 32 of chapter 184 of
271 the General Laws, to the city or town in which the
272 project is located, to be managed by either its
273 conservation or its recreation commission, or a
274 state agency, or both; provided further, that all
275 projects shall provide appropriate public access as
276 determined by the secretary; and provided further,
277 that the secretary may adopt rules and regulations
278 to carry out this item; provided that not less than
279 \$500,000 shall be expended for the Winnekenni
280 Castle Forest Management Study in
281 Haverhill.....\$7,000,000

282

283 2000-7018 For the study, protection and preservation,
284 including cultural resources, public access,
285 development, and enhancement activities for the
286 commonwealth's coastal resources within coastal
287 watersheds and offshore oceans including, but not
288 limited to implementation, equipment, and projects
289 related to ocean management and planning,
290 seafloor mapping, climate change adaptation and
291 coastal shoreline and floodplain management,
292 coastal and ocean water quality; provided, that a
293 program of wetlands and other aquatic habitat
294 restoration in the Massachusetts coastal zone and
295 watersheds shall be implemented from this item,
296 with functions including but not limited to

infrastructure repair and replacement to achieve restoration benefits, coordination with public and non-public entities, monitoring, research, planning, federal matching grants, assessment, technical assistance, mapping and implementation of improvements to degraded wetland areas; provided further, that grants may be awarded to public and non-public entities for the purposes of this item; provided further, that a program of coastal pollutant remediation grants may be awarded to cities and towns to construct, reconstruct, and otherwise improve boat pump-out facilities and stormwater drainage facilities along roads, highways and bridges within the watersheds of the Massachusetts coastal zone; provided further, that a program of coastal non-point source pollution grants may be awarded to public and non-public entities to identify and implement solutions to control or eliminate non-point source pollution in coastal watersheds; and provided further, that all grants under this item shall be subject to rules and regulations established by the secretary of energy and environmental affairs to govern the application process and disbursement of grant funds under this item; provided further, that not less than \$2,000,000 shall be expended for wastewater improvements near Hyannis Harbor in Barnstable; provided further, that not less than \$10,000,000 to acquire land in the Waquoit Bay recharge area by the department of conservation and recreation; provided further, that not less than \$2,000,000 shall be expended for Connecticut River combined sewer overflow clean up on Hubbard Street in Ludlow; provided further, that not less than

331 \$350,000 shall be expended for a wastewater
332 management study and environmental impact
333 report in Acushnet; provided further, that not less
334 than \$2,000,000 shall be expended to assist
335 Gloucester with the costs of sewer collection and
336 treatment infrastructure to improve coastal water
337 quality and comply with federal and state
338 regulatory and judicial mandates; provided further,
339 that not less than \$500,000 shall be expended on
340 beach nourishment for Chapoquoit Beach and
341 Woodneck Beach, and Menauhant Beach in the
342 town of Falmouth; provided further, that not less
343 than \$3,500,000 shall be expended for
344 infrastructure improvements to address water
345 quality decline due to failing wells in Medway;
346 provided further, that \$3,900,000 shall be
347 expended for stormwater drainage improvements
348 in Framingham; and provided further, that an
349 amount not less than \$75,000 shall be expended by
350 the Provincetown Center for Coastal Studies for
351 the study of the coastal geology and related matters
352 of the barrier beach in Orleans and Chatham
353 known as North
354 Beach.....\$40,075,000

355

356 2000-7022 For the programs and activities of the office of
357 geographical and environmental information in
358 support of community preservation and other
359 programs; provided, that such funds may be
360 allocated by the secretary of energy and
361 environmental affairs to the department of
362 conservation and recreation, the department of fish
363 and game, the department of agricultural resources,
364 and the department of environmental protection;

365 provided further, that funds may be expended from
366 this item for the costs of services essential to such
367 projects rendered by employees or by consultants;
368 provided further, that the secretary may provide
369 grants to, including but not limited to,
370 municipalities, regional planning agencies, and
371 other public and non-public entities to implement
372 said programs; provided further, that funding may
373 be expended for the creation of inventories of
374 species and mapping of areas important for
375 biological conservation and ecosystem protection;
376 provided further, that priority shall be given to the
377 development, from existing source materials where
378 possible, of the following data bases: wetlands,
379 soils, public water supply protection areas, land
380 records, economic growth areas, transportation
381 development, aquifer recharge areas, floodways,
382 vernal pools, endangered and threatened species
383 and species of special concern, public lands,
384 recreation areas, zoning, hazardous and toxic waste
385 sites and historical and cultural resources; and
386 provided further, that such efforts shall be
387 coordinated to the maximum extent feasible with
388 federal, state, and local governments, regulated
389 utilities and conservancy efforts\$13,000,000

390
391 2000-7023 For improvements and replacements to the
392 infrastructure and holdings of the executive office
393 of energy and environmental affairs; provided, that
394 these improvements or replacements may include,
395 but shall not be limited to, buildings, equipment,
396 vehicles and communication and technology
397 equipment; provided, however, that any
398 expenditures for communication and technology

399 equipment under this item shall be subject to the
400 approval of the chief information officer of the
401 commonwealth\$2,000,000
402

403 2000-7024 For the restoration of the commonwealth's natural
404 resources held in trust for the benefit of the public
405 by the secretary of energy and environmental
406 affairs as trustee of the resources that have been
407 lost, destroyed, or injured by the discharge of oil or
408 other releases of hazardous materials and
409 substances; provided, that natural resources shall
410 include land, fish, wildlife, biota, air, drinking
411 water supplies, wetlands, and other resources
412 generally belonging to, managed by, held in trust
413 by, or otherwise controlled by the trustee; provided
414 further, that the secretary, as trustee of the
415 commonwealth's natural resources, shall conduct
416 the necessary injury and damage assessment
417 studies to determine the extent of injury to the
418 resources and the required compensation by
419 responsible parties to restore, replace, or acquire
420 the equivalent of these injured resources; provided
421 further, that not less than \$1,600,000 shall be
422 expended for wetland restoration and water quality
423 projects in Woburn; provided further, that the
424 secretary may also allocate funds if necessary for
425 the costs of personnel; provided further, that these
426 activities shall be conducted under section 5 of
427 chapter 21E of the General Laws, sections 23 to
428 27, inclusive, of chapter 130 of the General Laws,
429 section 42 of chapter 131 of the General Laws, 42
430 U.S.C. section 9607 (f), 33 U.S.C. section 1321, 33
431 U.S.C. section 2706 or any other relevant and
432 appropriate authority.....\$3,100,000

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434 2000-7025

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For integrated energy and environmental projects to provide for appropriate conservation, protection, restoration, management, and best use of air, energy, water and land resources; to provide for the propagation, protection, control and management of fish, other aquatic life, wildlife, and endangered species, to optimize and preserve environmental quality and public health, to encourage environmental equity; to provide for the assessment, prevention and abatement of water, land, air, noise, and other pollution or environmental degradation, to provide for mitigation and adaptation to climate change, to reduce greenhouse gas emissions and other environmental impacts at state agencies, authorities, and public colleges and universities through the Leading by Example Program, to provide geographic information systems and data, including but not limited to conservation and development plans, provided through the office of geographic and environmental information under section 4B of chapter 21A of the General Laws, to collect, store and provide geographic, energy, and environmental and other information, to provide environmental, land use, water budgets and other trends and conditions, to stimulate increased public and private sector investment in clean energy and related enterprises, institutions, and projects in the commonwealth, including providing economic assistance for the development of these enterprises and non-financial assistance for their development, permitting, and construction and to otherwise provide technical and financial

467 assistance, including the promotion of alternative
468 energy resources and energy efficiency in support
469 of policy initiatives; provided, that the secretary
470 may allocate funds for the purposes of this item;
471 provided further, that not less than \$100,000 shall
472 be expended for the construction of a wind turbine
473 to be located at the McGlynn Elementary and
474 Middle Schools in Medford; provided further, that
475 \$600,000 shall be expended for the town of
476 Falmouth to meet the cost of the contract and
477 construction services for the 1.5 megawatt wind
478 turbine at their wastewater treatment facility;
479 provided further, that not less than \$1,000,000
480 shall be expended on the development of a
481 Buzzards Bay Center in the Whaling National
482 Historical Park; provided further, that
483 notwithstanding any general or special law or rule
484 or regulation to the contrary, \$3,000,000 shall be
485 expended for a green school environment grant in
486 the town of Saugus; provided, however, that said
487 grant shall only be expended if the town of Saugus
488 is certified to receive state aid to public libraries by
489 the board of library commissioners; and provided
490 that said grant may also be used as the town's
491 share of the Massachusetts School Building
492 Authority program; provided further that not less
493 than \$800,000 shall be expended for the
494 construction of a water tower in Templeton;
495 provided further, that \$550,000 shall be expended
496 for a clean air aging boiler grant in the town of
497 Saugus; and provided further, that grants may be
498 awarded to public or non-public entities to carry
499 out this item.....\$31,650,000
500

501 *Department of Environmental Protection.*

502 2200-7011 For the purposes of water quality monitoring,
503 assessment and protection as required to meet the
504 legislative and regulatory requirements of the
505 Rivers Protection Act, the federal and state Clean
506 Water Acts and the Massachusetts Wetlands
507 Protection Act and to provide for integrated energy
508 and environmental projects to optimize and
509 preserve environmental quality and public health
510 and provide for appropriate protection, restoration,
511 management, and best use of air, energy, water and
512 land resources; provided, that this funding, may
513 include, but not be limited to, studies of water
514 quality, the development of wetlands conservancy
515 and tidelands Geographic Information System
516 (GIS) maps, the implementation of water quality
517 monitoring devices, the collection and analysis of
518 water quality samples, the development of water
519 quality analyses known as Total Maximum Daily
520 Loads (TMDL's), and projects related to non-point
521 and point sources of water pollution, and the
522 wetlands circuit rider program; provided further,
523 that not less than \$1,000,000 shall be expended for
524 sewer extensions in the Spencer/Tuttle /Flint area
525 of the town of Acton, otherwise referred to as Area
526 10 in the town's CWRMP; provided further, that
527 not less than \$1,000,000 shall be expended for
528 separation of sewer and storm drains in Palmer;
529 and provided further, that not less than \$200,000
530 shall be expended for the identification and
531 remediation of pollution sources for the Cole and
532 Lees rivers;.....\$15,200,000

534	2200-7012	For operation and maintenance of the department	
535		of environmental protection's statewide air	
536		monitoring network including, but not limited to,	
537		photochemical assessment monitoring stations,	
538		small particulate monitoring and air toxins	
539		monitoring; and for the upgrade of equipment to	
540		comply with federal requirements; provided, that	
541		\$350,000 shall be expended for air quality	
542		monitoring, odor mitigation, and the establishment	
543		of an airborne odor and toxics mitigation strategy	
544		in the city of Northampton and town of	
545		Easthampton in neighborhoods impacted by the	
546		regional solid waste landfill, located in the city of	
547		Northampton	\$4,850,000
548			
549	2200-7013	For the purposes of discovery, assessment,	
550		containment, clean-up, and closure of existing or	
551		closed solid waste facilities causing or threatening	
552		to cause pollution as authorized by section 4 of	
553		chapter 21H of the General Laws; provided,	
554		however, that funds authorized in this item shall be	
555		used for the purposes of maintaining a composting	
556		and recycling program consistent with the	
557		statewide Solid Waste Master Plan authorized by	
558		section 21 of chapter 16 of the General Laws;	
559		provided further, that \$2,000,000 shall be	
560		expended for the monitoring, mitigation,	
561		inspection and investigation of the impacts of the	
562		regional solid waste landfill in the city of	
563		Northampton on groundwater, public and private	
564		water supply wells and the Barnes Sole Source	
565		Aquifer,	\$13,000,000
566			

567	2200-7014	For information systems development and
568		information technology equipment at the
569		department of environmental protection to upgrade
570		the first-generation “eDEP” on-line
571		permitting/compliance reporting system to meet
572		current business standards and the best competitive
573		practices for states, to develop and implement on-
574		line file reviews and permit guides, expand internet
575		publishing of environmental reports and
576		information, and improve system availability and
577		response times for the regulated community and
578		the public; provided, however, that any
579		expenditures under this item shall be subject to the
580		approval of the chief information officer of the
581		commonwealth.....\$20,000,000
582		
583	2200-7015	For the assessment, containment, cleanup, control,
584		removal of or response actions concerning oil or
585		hazardous materials or for any other actions
586		necessary to implement chapter 21E of the General
587		Laws; provided, that not less than \$12,000,000
588		shall be expended for the remediation of soil
589		contamination on residential properties located on
590		streets adjacent to the former landfill site in
591		Brookline and provided further, that not less than
592		\$7,000,000 shall be expended for the clean up of
593		the Paper Shafer site in Dorchester\$44,000,000
594		
595	2200-7016	For a grant to the University of Massachusetts
596		Amherst Landscape Ecology Program to utilize the
597		Conservation Assessment and Prioritization
598		System to establish a statewide, comprehensive
599		wetlands monitoring and assessment program for
600		the commonwealth, to identify relationships

601 between landscape-based stressors and the physical
602 and biotic condition of ecosystems, and to
603 complete a statewide landscape connectivity study
604\$500,000
605

606 2200-7017 For grants to cities, towns and districts for the
607 acquisition of lands and waters and easements by
608 those cities, towns and districts to protect and
609 conserve groundwater aquifers and recharge areas,
610 surface water supplies and watershed areas, and
611 surface or underground lands adjacent to those
612 resources, for the protection of water that is
613 determined by the department of environmental
614 protection to be of potential use for water supply
615 purposes; provided, that any grants approved by
616 the department and provided to cities, towns and
617 districts from this item may be for up to 60 per
618 cent of the eligible costs of the projects; provided,
619 that not less than \$1,125,000 be expended for a
620 watershed study of the Miles River watershed and
621 restoration in Ipswich, Beverly, Wenham and
622 Hamilton\$22,500,000
623

624 2200-7018 For a grant program to assist municipalities, water
625 districts and water commissions, hereinafter
626 referred to as water suppliers, with preserving
627 drinking water quality and reliability; provided,
628 that the program shall provide grant funding to
629 water suppliers to upgrade or replace their water
630 infrastructure; provided further, that as a condition
631 of receiving grant funding pursuant to this
632 program, a water supplier shall certify in writing to
633 the department that the water supplier has a
634 comprehensive upgrade and maintenance plan for

635 its water infrastructure; provided further, that the
636 comprehensive upgrade and maintenance plan
637 shall include the following information: (1) a
638 detailed financial forecast of facility replacement
639 improvement requirements for the next 20 years
640 including, but not limited to, the principal
641 components of the water system such as reservoirs,
642 dams, treatment plants, pipes, valves, fire hydrants,
643 pumping stations, storage facilities, pumping and
644 well equipment, interconnections and water mains
645 and each financial forecast shall analyze the
646 condition and life expectancy of the existing
647 facilities, prioritize needed repairs and
648 replacements and amortize such improvement
649 requirements on an annual basis over the next 20
650 years; provided, that water suppliers which have in
651 effect infrastructure improvement or rehabilitation
652 programs and mechanisms for funding approved
653 by their appropriate governing bodies may submit
654 their existing programs for complete or partial
655 compliance with this clause; and (2) a method that
656 establishes and maintains fiscal controls and
657 accounting depreciation standards; provided, that a
658 water supplier that is also a municipality shall
659 additionally certify in writing to the department
660 that it has adopted a water supply utility enterprise
661 fund pursuant to section 53F1/2 of chapter 44 of
662 the General Laws; provided further, that the
663 municipal water supplier shall further certify that it
664 shall maintain its water supply utility enterprise
665 fund in accordance with said section 53F1/2 of said
666 chapter for 10 years from the date the grant is
667 approved, or longer as determined by the
668 department.....\$25,000,000

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Department of Fish and Game.

2300-7010 For the acquisition of land and interests in land by the department of fish and game and for associated costs, including planning, study, due diligence, title and appraisal services, site restoration and stewardship for the purpose of protecting the native flora and fauna communities and for associated costs; provided, that the commissioner of fish and game may develop and utilize scientifically-based evaluation criteria to identify and select the most biologically significant areas throughout the commonwealth including, but not limited to, specific parcels, and that these lands may be purchased after being selected by this process and approved by the commissioner of fisheries and wildlife; provided further, that funds may be expended on the development and implementation of a stewardship program on lands under the care and control of the department of fish and game and its divisions, either in fee simple or through conservation easement, including but not limited to resource and land use monitoring, baseline documentation report creation, signage, boundary marking and monitoring, stewardship planning, stewardship personnel, stewardship database development, ecological monitoring, and enforcement of conservation restrictions or detection and resolution of encroachments on land owned in fee simple, and repair of damage related to illegal off-road vehicle trespass; provided further, that funds may be used for inventory,

703 restoration and reclamation of recently acquired
704 land, including demolition of structures, removal
705 of debris, eradication of non-native species, and
706 other services essential to these reclamation efforts\$73,000,000
707

708 2300-7011 For enhancements, improvements, removal and
709 replacements to the infrastructure and holdings of
710 the department of fish and game and its divisions;
711 and for the costs of studies, plans, engineering and
712 other services essential to this activity; and for the
713 planning, design, construction, and repair of
714 existing and new facilities under the care and
715 control of the department of fish and game and its
716 divisions, including but not limited to education
717 centers, district headquarters, hatcheries, office
718 buildings, storage buildings, shooting ranges, and
719 laboratories; provided, that these enhancements,
720 improvements and replacements may include, but
721 shall not be limited to, buildings and other
722 structures, equipment, vehicles, vessels,
723 information systems, and site clearance, including
724 the demolition of structures, and other holdings
725 including remediation of environmental
726 compliance matters throughout the commonwealth\$13,000,000
727

728 2300-7013 For the purposes of conserving and recovering rare
729 and endangered plant and animal species listed
730 under chapter 131A of the General Laws and
731 protecting other elements of the state's threatened
732 natural heritage, through conservation, preparation
733 of endangered species recovery plans,
734 implementation of recovery projects, and the
735 execution of habitat and ecological restoration and
736 management, as identified by the division of

737 fisheries and wildlife's natural heritage and
738 endangered species program and approved by the
739 director of the division and the commissioner of
740 the department; provided, that the associated costs
741 may include, but shall not be limited to, species
742 recovery, habitat restoration and management,
743 monitoring services and equipment purchases; and
744 provided further, that this work may be carried out
745 in cooperation with local municipalities, private
746 conservation organizations, private landowners,
747 universities or governmental agencies\$10,000,000
748

749 2300-7014 For a program of upland habitat management of
750 forestlands, shrub lands, and grasslands, to provide
751 habitat for native wildlife species experiencing
752 long-term population declines, to control invasive,
753 exotic species that degrade natural habitats, and to
754 maintain independent, third party certification of
755 sustainable resource management on state wildlife
756 lands through the forest stewardship council;
757 provided, that activities shall include, but shall not
758 be limited to, implementation of habitat
759 management plans as established by the division of
760 fisheries and wildlife and approved by the director
761 of the division and the commissioner of the
762 department; and to establish and support an
763 integrated, early detection and rapid response
764 system for invasive species and to complete a
765 strategic management plan for invasive species to
766 prevent, control, eradicate and restore natural
767 management areas; provided, that the
768 commissioner shall identify at all scales the natural
769 and cultural resources at risk from invasive species
770 and conduct baseline assessments of invasive

species at those sites and to educate the public to help prevent and control invasive species and for a landowner incentive grant program to restore declining species and their habitats identified in the Comprehensive Wildlife Conservation Strategy on private lands that may include, but shall not be limited to, technical and financial assistance, implementation and monitoring as established by the division of fisheries and wildlife and approved by the director of the division and the commissioner of the department, and for associated costs; provided, that the associated costs may include, but shall not be limited to, restoration, management, monitoring services, and equipment purchases; provided further, that the projects may be carried out in cooperation with cities, towns, not-for-profit organizations, private landowners, conservation organizations, sportsmen's clubs or governmental agencies; provided further, that grants may be awarded to public and non-public entities to carry out the purposes of this item; provided further, that not less than \$1,200,000 shall be expended for invasive species control in the city of Peabody; provided further, that \$50,000 shall be expended for the eradication of invasive aquatic weed in the town of Wayland; provided further, that not more than \$2,000,000 may be annually appropriated for a program to support comprehensive methods of controlling harmful invasive aquatic species; provided further, that not less than \$5,000,000 shall be expended for a program of grants to cities and towns for projects to control or eradicate harmful invasive aquatic species; provided further,

805 that not less than \$250,000 shall be expended for
806 the control or eradication of invasive aquatic
807 species at Lake Cochituate State Park; provided
808 further, that not less than \$50,000 shall be
809 expended for control of invasive aquatic species at
810 Noyes Pond in Tolland; provided further, that the
811 department shall conduct a study of invasive
812 aquatic species infestation in the Charles River;
813 and provided further, that the department may
814 award grants to public and non-public entities to
815 carry out the purposes of this item;.\$16,500,000
816

817 2300-7015 For the river restoration programs in the division of
818 riverways within the department of fish and game;
819 provided, that funds authorized in this item may be
820 utilized for river and river corridor revitalization,
821 restoration and protection of river ecosystems and
822 functions statewide, including dam and barrier
823 removal, instream improvements, flow, water
824 quality, riverine habitat, for protection of high
825 quality riparian habitat to mitigate threats from
826 climate change, and recreational opportunities;
827 provided further, that these costs may include, but
828 shall not be limited to, equipment to implement
829 these programs; and provided further, that the
830 commissioner or his designee may enter into
831 cooperative agreements with state and federal
832 government agencies and municipalities, may
833 contract for services including, but not limited to,
834 engineering, and may award grants to public and
835 non-public entities to foster and carry out the
836 purposes of this item\$10,000,000
837

838 2300-7016 For the planning, engineering, design,
839 construction, construction inspection, acquisition,
840 development, and reconstruction of existing and
841 new coastal and inland access sites including, but
842 not limited to, boat launching facilities, fisherman
843 boat access facilities, car-top boat launching
844 facilities, canoe access facilities, sport fishing piers
845 and shore fishing areas including, but not limited
846 to, ramps, docks, floats and appurtenant facilities
847 throughout the commonwealth; provided further,
848 that not less than \$500,000 shall be expended for
849 the construction of a stand-alone public fishing
850 pier in Oak Bluffs; provided further, that not less
851 than \$300,000 shall be expended for the
852 reconstruction of the boating and fishing access
853 ramp at Cooks Pond in Fall River; provided
854 further, that \$350,000 shall be expended for
855 Salisbury Flood Control in state highway route 1;
856 provided further, that not less than \$400,000 shall
857 be expended for the fish pier at Deer Island Park
858 in Amesbury; provided further, that \$190,000 shall
859 be expended for the North Andover boat ramp at
860 Riverview Street; provided further, that \$500,000
861 shall be expended for Green Pond Boat Ramp in
862 the town of Falmouth; provided further, that
863 \$1,000,000 shall be expended for renovations to
864 the state boat ramp and parking lot at Lake
865 Mascuppic in Dracut; provided further, that not
866 less than \$75,000 shall be expended for repair of
867 the access ramp and dock at the Jones River
868 Landing Environmental Heritage Center in
869 Kingston; provided further, that not less than
870 \$650,000 shall be expended for the repair and
871 enhancements of the public access boat ramp on

872 Laurel lake in the town of Lee; and provided
873 further, that not less than \$75,000 shall be
874 expended for design and engineering costs for a
875 boat ramp at Squantum Point Park in Quincy\$7,300,000
876

877 2300-7017 For the implementation of the Comprehensive
878 Wildlife Conservation Strategy and investigating
879 the impacts of climate change on the biodiversity
880 of Massachusetts including, but not limited to,
881 habitat protection and restoration, implementation,
882 and equipment purchases; provided, that
883 implementation may also include, but shall not be
884 limited to, a Coastal Waterbird Conservation
885 Program to restore globally and regionally
886 significant populations of declining and at-risk
887 species of coastal water birds and their habitats, as
888 tracked by the natural heritage & endangered
889 species program and identified in the
890 Comprehensive Wildlife Conservation Strategy,
891 including habitat protection and restoration, bird
892 population protection, restoration, and technical
893 assistance to landowners and other cooperators,
894 and planning, engineering, design, construction,
895 and reconstruction of structures to stabilize critical
896 coastal nesting islands, and for associated costs
897 which may include, but shall not be limited to,
898 equipment purchases; provided further, that this
899 work may be carried out in cooperation with local
900 municipalities, private conservation organizations,
901 private landowners, universities, or governmental
902 agencies; provided further, that implementation
903 may also include, but shall not be limited to, non-
904 marine aquatic habitat protection and restoration,
905 establishing benchmarks for fish community

906 restoration and establishing protection goals for
907 high quality fish communities, the preparation of
908 restoration and habitat protection plans, and the
909 execution of fisheries habitat restoration projects
910 on natural fish communities and for associated
911 costs including, but not limited to, research,
912 restoration, management, monitoring, and
913 equipment; provided further, that funds may be
914 expended from this item for the further
915 development of map products by this program to
916 identify and target for protection, restoration and
917 management of natural fisheries communities
918 including, but not limited to, research, data
919 collection, map production and equipment and
920 management studies; and provided further, that
921 grants may be awarded to public and non-public
922 entities to carry out the purposes of this item;\$10,450,000

923

924 2300-7018 For the purposes of marine fisheries resource habitat
925 identification, classification, protection and
926 restoration, the preparation of technical guidance
927 and fisheries management plans, as approved by
928 the director of marine fisheries and the
929 commissioner of the department, and for
930 associated costs; provided, that these associated
931 costs may include, but shall not be limited to,
932 research, restoration, management, monitoring and
933 equipment; provided further, that these projects
934 may be carried out in cooperation with not-for-
935 profit organizations or other management agencies;
936 provided further, that funds may be expended for
937 the further development of map products and
938 technical guidance by this program to identify and
939 target for protection, restoration and management

940 of marine fisheries resources including, but not
941 limited to, research, data collection, equipment,
942 map production, management studies; provided
943 further, that not less than \$2,000,000 shall be
944 expended for the study of commercial and
945 recreational fishing stocks, and creating a data
946 collection and fisheries management system to be
947 administered by the Massachusetts Marine
948 Fisheries Institute in conjunction with the School
949 of Marine Science and Technology at the
950 University of Massachusetts, Dartmouth; provided
951 further, that not less than \$2,000,000 shall be
952 expended on a research vessel to conduct ocean
953 management and sustainable fisheries research;
954 provided further, that this vessel shall be operated
955 by the School of Marine Science and Technology
956 at the University of Massachusetts, Dartmouth and
957 shall be primarily berthed in the port of New
958 Bedford; provided further, that not less than
959 \$750,000 shall be expended for the purchase of
960 scales and the establishment of a shore-based
961 monitoring program for all federally-managed
962 fisheries for herring and mackerel, which
963 expenditures shall be made, and the program
964 conducted, in accordance with the requirements of
965 section 18 and under the supervision of the
966 oversight committee established in said section 18;
967 provided further, that not more than \$225,000 shall
968 be expended by the department for the study of the
969 horseshoe crab population in Wellfleet Harbor,
970 Pleasant Bay, and Barnstable Harbor; and
971 provided further, the department may contract with
972 an environmental non-profit in order to conduct
973 said horseshoe crab study.....\$7,475,000

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Department of Agricultural Resources.

- 2500-7012 For a program to acquire agricultural preservation restrictions under sections 23 to 26, inclusive, of chapter 20 of the General Laws; provided, that any person or entity that receives funds from this item shall be encouraged to participate in any programs of the department of agricultural resources that may be suggested by the commissioner of agricultural resources; provided further, that funds may be used for implementation of a stewardship program on APR lands including, but not limited to, resource and land use monitoring, boundary delineation and monitoring, stewardship planning, ecological monitoring, and enforcement of agricultural preservation restrictions on existing and newly acquired APR properties; as well as the creation of new opportunities that seek to enhance the sustainability and viability of APR properties\$67,750,000
- 2500-7013 For the purpose of developing and implementing programs designed to address agricultural economic and environmental sustainability, research, industry promotion, technology transfer, education and to facilitate improvements to agricultural infrastructure, energy conservation and efficiency, as well as renewable energy projects, including the development and implementation of farm viability plans and other technical and engineering assistance to enhance the economic and environmental viability of farms, to provide for shorter term land covenants, and for undertaking of markets for agricultural products to assist in agricultural business enhancement and

1008 transition, the creation of a program, including
1009 grants to public and non-public entities for the
1010 development and implementation of new
1011 procedures for energy conservation and efficiency,
1012 renewable and alternative energy sources to assist
1013 the commonwealth's agricultural community to
1014 grow and develop; provided further, that funds
1015 shall be expended for the Northeastern
1016 Massachusetts aquaculture center by Salem State
1017 College, Southeastern Massachusetts aquaculture
1018 center by Barnstable County, the University of
1019 Massachusetts School for Marine Science and
1020 Technology, in consultation and cooperation with
1021 the department's aquaculture division at a location
1022 within the port of New Bedford and the Western
1023 Massachusetts center for sustainable aquaculture
1024 by the University of Massachusetts, Amherst;
1025 provided further, that not less than \$10,000,000
1026 shall be expended to establish a program to
1027 facilitate the creation of a general public market in
1028 Boston to provide local agricultural, seafood and
1029 aquaculture, dairy and specialty foods produced in
1030 the commonwealth; provided further, that the
1031 Massachusetts aquaculture centers shall work in
1032 cooperation and in collaboration with the
1033 department of agricultural resources toward the
1034 provision of grant funding and services to the
1035 aquaculture industry; provided further, that there
1036 be established a program to assist in the
1037 preservation and rehabilitation of facilities and
1038 land resources of agricultural fairs in the
1039 commonwealth through short-term preservation
1040 covenants, grants, demonstration projects and other
1041 means, under section 38C of chapter 128 of the

1042 General Laws; provided further, that funds
1043 authorized in this item may be allocated by the
1044 commissioner through competitive grants; and
1045 provided further, that the commissioner may adopt
1046 regulations relative to these grants.....\$30,000,000

1047

1048 2500-7014 For the agricultural environmental enhancement
1049 program on the abatement of all forms of pollution
1050 generated from agricultural activities originally
1051 funded under section 8 of chapter 258 of the acts of
1052 1996; provided, that funds may be allocated by the
1053 commissioner through competitive grants awarded
1054 to public and non-public entities to carry out the
1055 purposes of this item\$3,000,000

1056

1057 *Department of Conservation and Recreation.*

1058

1059 2800-7011 For the acquisition of land and interests in land by
1060 the department of conservation and recreation and
1061 for associated costs, including planning, study, due
1062 diligence, title and appraisal services, site
1063 restoration, stewardship, and costs associated with
1064 the defense of eminent domain takings for the
1065 purpose of protecting significant natural and
1066 cultural resources of the commonwealth and
1067 enhancing the department's system of forests,
1068 parks and reservations; provided, that funds may
1069 be used for development and implementation of a
1070 stewardship program on lands under the care and
1071 control of the department of conservation and
1072 recreation including, but not limited to, resource
1073 and land use monitoring, signage, boundary
1074 delineation and monitoring, preparation of baseline
1075 documentation, stewardship planning, ecological

1076		monitoring, and enforcement of conservation
1077		restrictions or detection and resolution of
1078		encroachments on land owned in fee simple, and
1079		repair of damage to property related to illegal uses,
1080		including off-road vehicle trespass; provided
1081		further, that funds may be used for inventory,
1082		restoration and reclamation of recently acquired
1083		land, including demolition of structures, removal
1084		of debris, eradication of non-native species, and
1085		other services essential to these reclamation
1086		efforts; provided further, that not less than
1087		\$1,500,000 shall be expended for design and
1088		permitting of Phase II of the Urban Neponset
1089		Reservation; provided further, that not less than
1090		\$3,000,000 shall be expended within the Saugus
1091		River watershed; provided further, that not less
1092		than \$197,132 shall be expended for the restoration
1093		of stone walls at Luther Hill Park in Spencer; and
1094		provided further, that not more than \$6,000,000
1095		shall be expended for the acquisition of the Silver
1096		Maple Forest in Belmont and Cambridge, for
1097		conservation purposes.....\$76,000,000
1098		
1099	2800-7012	For natural resource restoration and protection and
1100		to ensure compliance with storm water
1101		management and the federal Clean Water Act,
1102		including enhanced environmental compliance
1103		with laws and regulations, and improvements, and
1104		costs associated with site assessment, containment,
1105		clean-up, control, removal of, or response actions
1106		concerning hazardous materials or substances at
1107		forests, parks, reservations and other properties of
1108		the department of conservation and recreation\$30,000,000
1109		

1110 2800-7013 For forest management and conservation purposes
1111 on state forests and parks of the department
1112 including, but not limited to, a program of habitat
1113 improvements, bio-diverse forestry, and wildlife
1114 enhancement to forest and parks, boundary and
1115 forest road and trail maintenance and restoration
1116 for forest management, recreation and fire fighting
1117 purposes, forest health projects and inventories,
1118 forest green certification, coordination with the
1119 department of fish and game, compliance projects,
1120 for the department's program to market and
1121 promote ecologically sustainable utilization of the
1122 commonwealth's biomass supplies for renewable
1123 energy projects, for the state match for the
1124 cooperative federal-state Urban & Community
1125 Forestry Program, and for fire suppression
1126 activities, fuels management, including prescribed
1127 fire to protect biodiversity and rare and endangered
1128 species habitat, eradicate invasive species and
1129 forests pests and pathogens, and including
1130 necessary vehicles and equipment, and other forest
1131 management and conservation activities, provided
1132 that \$670,000 shall be expended for firefighting
1133 equipment in the town of Plymouth to support
1134 firefighting needs in Myles Standish State Forest.....\$10,000,000

1135
1136
1137 2800-7015 For the protection, preservation and restoration of
1138 the commonwealth's significant natural and
1139 historic landscapes, and to provide assistance to
1140 cities and towns to further these purposes,
1141 including protection and stewardship of long
1142 distance trails and greenway corridors; provided,
1143 that program activities include, but are not limited

1144 to, technical assistance, preservation, acquisition
1145 of interests in land, construction, rehabilitation,
1146 public training, preservation maintenance and
1147 associated costs; provided further, that there shall
1148 be a program to support the department's mission
1149 of natural and cultural resource protection;
1150 provided further, that program activities include
1151 but are not limited to, scientific analysis, design,
1152 construction, rehabilitation, historic structure
1153 stabilization, landscape preservation, and archive
1154 management;.....\$12,950,000
1155

1156 2800-7016 For the design, construction, reconstruction,
1157 rehabilitation or removal of department-owned
1158 dams, and, subject to rules and regulations of the
1159 department, municipal-owned dams, other
1160 publicly-owned dams, and other dams for which
1161 emergency action is required and related facilities
1162 and equipment; provided, that the department of
1163 conservation and recreation shall give priority to
1164 dams and flood control projects which pose the
1165 greatest risk to public health, safety or the
1166 environment, subject to rules and regulations of the
1167 department, and for a program of planning,
1168 permitting and construction of fish ways and other
1169 aquatic habitat improvements, including the
1170 removal or breaching of selected dams and
1171 impoundments on land under the care, custody and
1172 control of the department; provided further, that
1173 not more than \$1,500,000 shall be expended for the
1174 repair and removal of Whitney Pond Dam;
1175 provided further, that not more than \$1,500,000
1176 shall be expended for the repair and rehabilitation
1177 of the Whitney Pond Dam in Winchendon;

1178 provided further, that not less than \$1,000,000
1179 shall be expended on the Williams Pond Dam in
1180 Winchendon; provided further, that not less than
1181 \$75,000 shall be expended on a feasibility study at
1182 Forge Dam Pond in Kingston; provided further,
1183 that not less than \$390,000 shall be expended for
1184 repairs to the Squannacook River Dam in Groton;
1185 provided further, that not less than \$500,000 shall
1186 be expended for repairs to the dam at Flint Pond in
1187 Tyngsborough; provided further, that not less than
1188 \$40,000 shall be expended for the Newburyport
1189 Joppa Flats Boat Launch; provided further, that not
1190 less than \$100,000 shall be expended for drainage
1191 for a culvert on Old Ferry Road to mitigate years
1192 of flooding on Frye road in town of Methuen;
1193 provided further, that not less than \$1,500,000
1194 shall be expended for the construction of a dam at
1195 Van Horn Park in Springfield; provided further,
1196 that not less than \$250,000 shall be expended for
1197 the design and repair of Newton Pond Dam in
1198 Shrewsbury; provided further, that not less than
1199 \$1,300,000 shall be expended for repairs to the
1200 Sheppard Pond Dam in Canton; provided further,
1201 that \$2,500,000 shall be expended to examine and
1202 implement proposed flood mitigation projects
1203 along the Aberjona River and Mystic Lakes in the
1204 Town of Winchester; provided further, that not less
1205 than \$3,350,000 be expended for phase II
1206 inspections and emergency repairs to the Notch
1207 reservoir and Mount Williams Reservoir Dams in
1208 the city of North Adams; provided further, that not
1209 less than \$2,500,000 shall be expended for repairs
1210 and renovations to the East Windsor Dam in the
1211 town of Dalton; provided further that not less than

1212 \$1,500,000 shall be expended for the Town Brook
1213 dams in Plymouth; provided further, that not less
1214 than \$48,000 shall be expended for repair of the
1215 dam at Johnson's Pond in Raynham; provided
1216 further, that not less than \$1,900,000 shall be
1217 expended for the reconstruction of the Rexhame
1218 drainage system in Marshfield; provided further,
1219 that not less than \$2,000,000 shall be expended for
1220 repairs and renovations to the East Windsor Dam
1221 in Dalton; provided further, that not less than
1222 \$2,000,000 shall be expended for reconstruction of
1223 the Granville Reservoir Dam; provided further,
1224 that not less than \$250,000 shall be expended for
1225 design, permits and inspections of Lake Wyola
1226 Dam in Shutesbury; provided further, that not less
1227 than \$100,000 shall be expended for repairs,
1228 maintenance, and operation of Lake Maspenock
1229 Dam in Hopkinton; provided further, that not less
1230 than \$2,700,000 shall be expended for
1231 environmental restoration of Milford Pond in
1232 Milford; provided further, that not less than
1233 \$350,000 shall be expended for repair and
1234 stabilization of the Connecticut River Dike in
1235 Hatfield; provided further, that \$250,000 shall be
1236 expended for the ecosystem restoration project and
1237 dam removal on the Green River in the city of
1238 Greenfield; provided further, that \$100,000 shall
1239 be expended for dam repairs in Medway; and
1240 provided further, that \$800,000 shall be expended
1241 for design, repair and safety stabilization of the
1242 Connecticut river dike in the town of
1243 Hadley.....\$31,500,000.
1244

1245	2800-7017	For the support of the protection and rehabilitation	
1246		of the lakes and ponds and associated watersheds	
1247		including, but not limited to, assistance and grant	
1248		programs under sections 37A to 37D, inclusive, of	
1249		chapter 21 of the General Laws; provided, that	
1250		program activities shall include, but not be limited	
1251		to, technical assistance, studies, preservation,	
1252		environmental improvements and associated costs	
1253		and for a program to provide for the registration of	
1254		persons engaged in the business of drilling or	
1255		digging wells and assuring adherence to	
1256		professional standards in well construction in order	
1257		to protect the ground water resources of the	
1258		commonwealth and the consumers, including the	
1259		provision of technical assistance to boards of	
1260		health and the regulated community and the	
1261		provision of ongoing education to well drillers and	
1262		others, coordination with the office of the state	
1263		geologist, including associated costs	\$5,000,000
1264			
1265	2800-7018	To provide state coordination with a cooperative	
1266		federal-state program with the United States	
1267		Geological Survey, Department of Interior, for	
1268		continuous data collection and analysis, including	
1269		the operation of the statewide stream flow and	
1270		ground water level monitoring networks standards	
1271		and web sites, and to fund studies of current water	
1272		resources research on stream flow and groundwater	
1273		resource management, watershed studies, stream	
1274		gauges, basin studies and topical studies and other	
1275		related hydrologic studies and activities	\$25,000,000
1276			
1277	2800-7019	For the development of long-range capital	
1278		improvement plans, designs, and related	

1279 engineering specifications to improve and
1280 rehabilitate department properties and facilities,
1281 including but not limited to the resource
1282 management planning process under section 2F of
1283 chapter 21 of the General Laws; provided further,
1284 that not less than \$300,000 shall be expended for
1285 the Mystic River Master Plan.....\$5,000,000
1286

1287 2800-7022 For the purpose of protecting and conserving the
1288 ecological and economic integrity of the
1289 commonwealth's privately held forestlands,
1290 including but not limited to acquisition of interests
1291 in land including easements, agreements, rights of
1292 first refusal and covenants; for a forestry
1293 conservation restriction program to acquire
1294 conservation restrictions under section 31 of
1295 chapter 184 for private working forests actively
1296 devoted to sustainable forestry, and classified as
1297 forest land under section 2 of chapter 61 of the
1298 General Laws, in order to encourage sustainable
1299 forestry, protect prime forest land, and help the
1300 viability and affordability of sustainable forestry;
1301 provided, that working forest conservation
1302 restrictions shall be held by the department of
1303 agriculture or the department of conservation and
1304 recreation or the municipality in which the land is
1305 located; provided further, that projects shall be
1306 rated based on the suitability of land to grow forest
1307 products, the fair market value of the land as
1308 determined by independent appraisers, proximity
1309 to other protected working forests, management
1310 history of the project to serve as a model of
1311 sustainable forestry and the degree to which the
1312 conservation restriction would serve to preserve

1313 and make affordable the practice of sustainable
1314 forestry in the commonwealth; and for grants to
1315 public and non-public organizations and private
1316 landowners for education, technical assistance,
1317 forest stewardship practices, enhancement of
1318 ecosystem services and carbon sequestration, estate
1319 planning, interests in land or associated land
1320 acquisition costs; grants to private forest
1321 landowners, forest businesses and non-profits for
1322 the forest viability program for enhancing
1323 sustainable economic benefits of forests, including
1324 business plans and implementation grants and no-
1325 development covenants to be held by the
1326 department of agriculture or the department of
1327 conservation and recreation, including but not
1328 limited to forest management plans for private
1329 landowners; provided, that projects and funding
1330 shall be approved by the secretary of energy and
1331 environmental affairs; and provided further, that
1332 projects may be carried out in cooperation with
1333 other governmental agencies, private landowners,
1334 and conservation organizations according to
1335 management agreements approved by the secretary\$4,000,000

1336
1337 2800-7097 For the design, construction, reconstruction,
1338 improvement or rehabilitation of department or
1339 navigable coastal and inland waterways projects,
1340 including but not limited to coastal protection,
1341 structures, dredging, rivers and stream cleaning,
1342 coastal structure maintenance, piers, dune
1343 stabilization, culvert repair, re-nourishment,
1344 erosion control and waterfront access and
1345 transportation improvements and related facilities
1346 and equipment; provided further that not less than

1347 \$100,000 shall be provided to the town of
1348 Lynnfield for the purposes of conducting an
1349 environmental impact study on flooding and
1350 drainage issues at Reedy Meadow that also impact
1351 the communities of Wakefield, Saugus and Lynn;
1352 provided further, that \$3,000,000 shall be
1353 expended for the dredging of Plymouth Harbor;
1354 provided further, that \$2,500,000 shall be
1355 expended for the costs of sand restoration and
1356 erosion control and prevention necessary for the
1357 protection of roadway and utility infrastructure on
1358 Plum island in the town of Newbury and the city of
1359 Newburyport; provided further, that not less than
1360 \$2,250,000 shall be expended for dredging of
1361 Hingham Harbor; and provided further, that not
1362 less than \$1,500,000 shall be expended for the
1363 repair or replacement of the Seaview Avenue
1364 seawalls in the town of Oak Bluffs or the
1365 installation of a coastal dune system in lieu thereof\$22,250,000

1366
1367 2840-7014 For the design, construction, reconstruction,
1368 removal, improvement or rehabilitation of
1369 department reservations, forests, parks, harbor
1370 islands, skating rinks, swimming pools, golf
1371 courses, tennis courts, basketball courts,
1372 playgrounds, other recreational facilities, beaches
1373 and related facilities, storage buildings, office
1374 buildings and other parks buildings and equipment
1375 and for the planning, design, construction, repair,
1376 reconstruction, rehabilitation, or improvement of
1377 department bike paths, greenways, recreational
1378 trails, and related facilities and equipment;
1379 provided, that not more than \$1,250,000 shall be
1380 expended for restoration and reconstruction of the

1381 former superintendent's house at Wachusett
1382 Mountain State Park; provided further, that not
1383 more than \$6,300,000 shall be expended for
1384 maintenance, repairs, and construction at the
1385 Connors Pool in Waltham; provided further, that
1386 \$40,000 shall be expended for the construction and
1387 maintenance of trails in the town of Bourne;
1388 provided further, that not less than \$15,000,000 be
1389 expended for the planning, design, and
1390 maintenance of bike paths, facilities and
1391 greenways for the bicycle recreating public;
1392 provided further, that not less than \$50,000 shall be
1393 expended for the renovations to public parks in
1394 Spencer; provided further, that not less than
1395 \$50,000 shall be expended for improvements to the
1396 pond and beach at Howe State Park in Spencer;
1397 provided further, that not more than \$150,000 be
1398 expended for renovations, repairs, or replacement
1399 at the Crosby Mansion and Cape House; provided
1400 further, that not less than \$50,000 shall be
1401 expended for improvements at Manning state
1402 forest in the town of Billerica; provided further,
1403 that not less than \$2,500,000 shall be expended for
1404 ice bed system replacement and HVAC and roof
1405 repairs at the Veterans' Memorial Hockey Rink in
1406 the city of Somerville; provided further, that not
1407 less than \$5,500,000 shall be expended for parking
1408 lot and road reconstruction at the Mount Wachusett
1409 state reservation; provided further, that not less
1410 than \$300,000 shall be expended for clean up,
1411 planning and design of a multi-use recreational
1412 field within or adjacent to the Blue Hills
1413 Reservation in the town of Canton; provided
1414 further, that \$3,405,000 shall be expended for

1415 improvements at Breakheart Reservation,
1416 including developing a master plan for the
1417 Breakheart Reservation area, rebuilding the barn as
1418 a green educational center, repairing the flume,
1419 adding playground equipment, covered picnic
1420 shelters, lifeguard chairs, a shuttle, a solar-powered
1421 circulator for Silver Lake, and permanent
1422 bathrooms, a changing and first aid station, and
1423 concession building by Silver Lake, improving
1424 Bark Place, repairing fire equipment, improving
1425 public safety within the designated swimming
1426 areas, including those areas at Camp Nihan, and
1427 improvements at Camp Nihan, including insulating
1428 walls and replacing windows in cabins, replacing
1429 woodstoves, and adding a solar-powered circulator
1430 for Peckham Pond, energy-efficient heating in
1431 Sprague Lodge, refrigeration units, backup power,
1432 and a wind-powered 110-volt system; provided
1433 further, that that not less than \$1,000,000 shall be
1434 provided for the purpose of partially matching
1435 federal coastal wetland restoration projects within
1436 the Rumney Marshes Area of Critical
1437 Environmental Concern; provided further, that not
1438 less than \$1,000,000 shall be expended within the
1439 layout of the former Saugus Branch railroad,
1440 including developing a master plan, a multi-use
1441 trail, and the design and construction of park
1442 improvements on the Bacon property in Saugus;
1443 provided further, that that not less than \$250,000
1444 shall be provided to develop an open space
1445 protection plan for the Saugus River and its
1446 tributaries, including studies to improve flood and
1447 storage capacity and to protect public water
1448 supplies; provided further, that not less than

1449 \$800,000 shall be expended for the waterfront
1450 restoration project in Watertown; provided further,
1451 that not less than \$1,000,000 shall be expended for
1452 athletic fields in Walpole; provided further, that
1453 not less than \$5,659,000 shall be expended for
1454 construction of a permanent ice skating rink in
1455 Jamaica Plain; provided further that not less than
1456 \$4,400,000 shall be expended for the construction
1457 and rehabilitation of the Melnea Cass rink and pool
1458 in Boston as an enclosed public roller-skating rink;
1459 provided further, that not less than \$10,000,000
1460 shall be expended for enhancements to Horseneck
1461 Beach State Reservation, including construction
1462 and rehabilitation of the Horseneck Beach
1463 campgrounds and Gooseberry Island; provided
1464 further, that not less than \$300,000 shall be
1465 expended at Fort Phoenix State Reservation;
1466 provided further, that not less than \$2,500,000
1467 shall be expended for restoration of and equipment
1468 for the Schooner Ernestina; provided further, that
1469 not less than \$1,000,000 shall be expended for
1470 improvements to Houghton's Pond athletic fields;
1471 provided further, that not less than \$2,000,000
1472 shall be expended for capital improvements to the
1473 Trailside Museum; provided further, that not less
1474 than \$500,000 shall be expended for the
1475 construction of a trail system connecting to
1476 Crane's beach in Ipswich; provided further, that
1477 \$1,600,000 shall be expended for the Salisbury
1478 Beach boardwalk; provided further, that
1479 \$1,000,000 shall be expended for the Newburyport
1480 waterfront park; provided further, that \$2,800,000
1481 shall be expended for the Newburyport boardwalk;
1482 provided further, that \$200,000 shall be expended

1483		for building repairs and the installation of an	
1484		equipment shed at the Great Falls Discovery	
1485		Center, provided further, that \$280,000 shall be	
1486		expended for repairs to the 3 level observation	
1487		deck and replacement of guard rails at Mount	
1488		Sugarloaf State Park; provided further, that not less	
1489		than \$700,000 shall be expended for the Lowell	
1490		Parks and Conservation Trust Concord River	
1491		Greenway; provided further, that \$1,500,000 shall	
1492		be expended for the rehabilitation and site	
1493		improvements to the Brook Farm historic site in	
1494		the West Roxbury section of the city of Boston;	
1495		provided further, that \$2,000,000 shall be	
1496		expended for the reconstruction, rehabilitation and	
1497		site improvements of the Thompson Center in the	
1498		Hyde Park section of the city of Boston; provided	
1499		further, that not less than \$1,000,000 shall be	
1500		expended for renovations at the Marine Park	
1501		bathhouse in South Boston; provided further, that	
1502		\$925,000 shall be expended for renovation and	
1503		reconstruction of the Surf Drive Bath House and	
1504		the Old Silver Beach Bath House in Falmouth; and	
1505		provided further, that not less than \$1,000,000	
1506		shall be expended on rehabilitation to Palmer's	
1507		Island Lighthouse.....	\$220,700,000
1508			
1509	2840-7017	For the design, construction, reconstruction, repair,	
1510		improvement or rehabilitation of flood control	
1511		facilities and water resource protection related	
1512		facilities of the department, including its various	
1513		pump stations and structures; provided, that	
1514		\$180,000 shall be provided for the installation of a	
1515		biofilter system at the Woodland Street Pump	
1516		Station in the town of West Boylston	\$30,000,000

1517

1518

Division of Energy Resources

1519

9300-7909

For the energy conservation improvement program

1520

under section 11 of chapter 25A of the General

1521

Laws; provided, that funds in this item shall be

1522

allocated from time to time by the commissioner of

1523

energy resources for the purposes of the energy

1524

audit program, the energy conservation

1525

improvement program, and the alternative energy

1526

property program, and for other programs that

1527

increase energy efficiency and the deployment of

1528

renewable resources at public facilities; provided

1529

further, that when expending these funds, the

1530

commissioner shall take into consideration, among

1531

other relevant factors, the amount of available state

1532

and federal financial resources, the needs of each

1533

program with respect to public buildings and

1534

facilities, the volume of requests or expected

1535

requests from other entities for assistance under

1536

each program, the expected costs and public

1537

benefits of each program and, after information has

1538

become available from the energy audit program,

1539

the priorities and needs indicated by that

1540

information; provided further, that funds shall be

1541

expended on the buildings and facilities owned by

1542

public entities; and provided further, that grants

1543

may be issued for the purposes of this item.....\$13,250,000

1544

1545

MASSACHUSETTS DEPARTMENT OF EDUCATION

1546

University of Massachusetts Amherst

1547

1548

7100-0299

For the state geologist, provided, that funds from

1549

this item may be allocated for the purposes of

1550 leveraging additional federal funds to support
1551 bedrock, fracture, and geologic surface mapping,
1552 natural hazards mapping, and subsurface data
1553 preservation in support of the commonwealth's
1554 interest in gathering and disseminating geologic
1555 information; provided that funds from this item
1556 may also be used to support the dissemination of
1557 geologic information in digital form.....\$2,500,000
1558

1559 SECTION 3. To provide for a statewide program of improvement and preservation
1560 of the transportation assets of the commonwealth owned, managed, and maintained by
1561 the department of conservation and recreation, the sums set forth in section 4, for the
1562 several purposes and subject to the conditions specified in that section, are hereby made
1563 available, subject to the laws regulating the disbursement of public funds, which sums are
1564 in addition to amounts previously appropriated for these purposes.

1565

1566 SECTION 4.

1567 **EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**

1568 *Department of Conservation and Recreation*

1569 2890-7010 For the design, construction, reconstruction, repair,
1570 improvement, or rehabilitation of department of
1571 conservation and recreation parkways, boulevards,
1572 bridges and related appurtenances and equipment
1573 including, but not limited to, the costs of
1574 engineering and other services for those projects
1575 rendered by department of conservation and
1576 recreation employees or by consultants; provided,
1577 that funds may be expended for pedestrian and
1578 bicycle safety, traffic calming, landscape
1579 improvements, street lighting, and safety
1580 equipment; provided further, that all work funded
1581 by this item shall be carried out according to
1582 standards developed by the department of

1583 conservation and recreation pursuant to historic
1584 parkways preservation treatment guidelines to
1585 protect the scenic and historic integrity of the
1586 bridges and parkways under its control; provided
1587 further, that not less than \$1,300,000 shall be
1588 expended for sidewalk and drainage improvements
1589 to the Lynn Fells Parkway in Saugus; provided
1590 further, that not less than \$50,000 shall be
1591 expended for the repair of streetlamps on the
1592 Mystic Valley Parkway in Medford; provided
1593 further, that not less than \$420,000 shall be
1594 expended for design and construction of a traffic
1595 light at the intersection of Grove Street and
1596 Greenough Boulevard in Watertown; and provided
1597 further, that not less than \$900,000 shall be
1598 expended to complete Phase I of Blue Hills
1599 Parkway improvements\$75,000,000

1600
1601 2890-7011 For the design, maintenance, reconstruction,
1602 repair, and rehabilitation of vehicle bridges under
1603 the control of the department of conservation and
1604 recreation; provided, that notwithstanding any
1605 general or special law to the contrary, funds may
1606 be allocated through an interagency service
1607 agreement to the department of highways;
1608 provided further, that the agreement shall specify
1609 that a spending plan shall be filed each year with
1610 the commissioner of conservation and recreation
1611 providing a schedule of outlays from this item;
1612 provided further, that the agreement shall specify
1613 that a report shall be filed by the department of
1614 highways and the department of conservation and
1615 recreation to the joint committee on transportation
1616 and the joint committee on environment, natural

1617 resources and agriculture by September 30 of each
1618 year detailing the status of work undertaken
1619 through this item for the previous fiscal year;
1620 provided further, that all work funded by this item
1621 undertaken by the department of highways under
1622 any interagency service agreement shall be carried
1623 out according to standards developed by the
1624 department of conservation and recreation pursuant
1625 to historic parkways preservation treatment
1626 guidelines to protect the scenic and historic
1627 integrity of the bridges and parkways under its
1628 control; and provided further, that final design of
1629 the bridges shall be subject to the review and
1630 approval of the commissioner of conservation and
1631 recreation; provided further, that notwithstanding
1632 this act or any other general or special law to the
1633 contrary, the Storrow Drive tunnel, as part of the
1634 Storrow Esplanade parkland in Boston, shall
1635 continue to be under the design control of the
1636 department of conservation and recreation,
1637 including compliance sections 61 to 62H, inclusive
1638 of chapter 30 of the General Laws\$250,000,000.
1639

1640 SECTION 4A. Chapter 10 of the General Laws is hereby amended by inserting
1641 after section 35HH the following section:-
1642

1643 Section 35II. (a) There shall be established the Salisbury Beach Preservation
1644 Trust Fund to be used, without further appropriation, for the long-term preservation and
1645 maintenance of Salisbury Beach. Any balance in the fund at the end of the fiscal year
1646 shall not revert to the General Fund, but shall remain available for expenditure in
1647 subsequent fiscal years. No expenditure made from the fund shall cause the fund to
1648 become deficient at any point during a fiscal year.
1649

(b) Notwithstanding any general or special law to the contrary, the department of conservation and recreation shall impose a surcharge of \$2 upon each fee charged and collected from admission into, camping, and parking in, the Salisbury Beach Reservation. The additional monies collected from the surcharge shall be deposited into the Salisbury Beach Preservation Trust Fund.

SECTION 5. Section 14 of chapter 61A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 11, the words “forest use of” and inserting in place thereof the following words:- agricultural or horticultural use of such.

SECTION 6. Section 9 of chapter 61B of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the words “forest use of such land” and inserting in place thereof the following words:- use and care of such land for recreational purposes.

SECTION 7. Section 6 of chapter 62 of the General Laws is hereby amended by adding the following subsection:-

(o)(1) As used in this subsection, the following words shall have the following meanings:-

“Bargain sale”, the sale of an interest in real property by a taxpayer at a cost below appraised market value, when a portion of the value of the interest in real property is a qualified donation, as such term is defined herein and which meets the requirements of section 1011(b) of the Internal Revenue Code of 1986, as amended.

"Certified land", an interest in real property, the donation or bargain sale of which has first been determined by the secretary of environmental affairs to be in the public interest for natural resource protection including, but not limited to, drinking water supplies, wildlife habitat and biological diversity, agricultural and forestry production,

recreational opportunities, archaeological and historical resources, or scenic and cultural values; provided, however, that the secretary of environmental affairs shall assure that all certified lands are protected in perpetuity.

"Interest in real property", any right in real property in the commonwealth, with or without improvements thereon, or water including, but not limited to, fee simple, life estate, restriction, easement, covenant, condition, partial interest, remainder, future interest, lease, license, mineral right, riparian right or other interest or right in real property that may be conveyed concerning the power to transfer property.

"Public or private conservation agency", the commonwealth, or any subdivision thereof, or any municipality, or private nonprofit corporation organized for the purposes of land conservation, which is authorized to do business in the commonwealth, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

"Qualified donation," a donation, or the donated portion of a bargain sale, made in perpetuity of a fee interest in real property or a less-than-fee interest in real property, including a conservation restriction, agricultural preservation restriction or watershed preservation restriction, pursuant to chapter 184, provided that such less-than-fee interest meets the requirements of qualified conservation contributions under section 170(h) of the Internal Revenue Code of 1986.

"Taxpayer," a taxpayer subject to the income tax under this chapter.

(2) A taxpayer making a qualified donation of certified land to a public or private conservation agency shall be allowed a credit against the taxes imposed by this chapter. The credit shall be equal to 50 per cent of the fair market value of the qualified donation. The amount of the credit that may be claimed by a taxpayer for each qualified donation shall not exceed \$50,000.

1712 (3) The fair market value of certified land shall be substantiated by a qualified
1713 appraisal, as defined in United States Treasury Regulation section 1.170A-13(c)(3), and
1714 shall be prepared by a qualified appraiser, as defined in United States Treasury
1715 Regulation section 1.170A-13(c)(5). For any taxpayer to qualify for the credit provided
1716 for in subdivision (2), the taxpayer shall at the same time that the taxpayer files a return
1717 for the taxable year in which the credit is claimed, file with the department a summary of
1718 a qualified appraisal or, if requested by said department, the taxpayer shall submit the
1719 appraisal itself.

1720
1721 (4) In any one tax year, the credit used may not exceed the amount of tax liability
1722 otherwise owed by the taxpayer. The tax credit shall be taken against the taxes imposed
1723 under this chapter and shall not be refundable. Any amount of the credit that exceeds the
1724 tax due for a taxable year may be carried forward by the taxpayer to any of the 10
1725 subsequent tax years.

1726
1727 (5) All or any tax credits issued in accordance with this section may be in addition
1728 to any charitable deductions claimed on the taxpayer's federal income tax return for the
1729 same qualified donations of certified lands.

1730
1731 (6) Any taxpayer claiming a state income tax or excise tax credit under this
1732 section may not claim an additional state income tax credit or deduction during any one
1733 tax year for costs related to the same interest in certified lands.

1734
1735 (7) Any tax credits which arise under this section from the qualified donation of
1736 certified land by a pass-through tax entity such as a trust, estate, partnership, corporation,
1737 limited partnership, limited liability partnership, limited liability corporation, subchapter
1738 S organization, or other fiduciary, shall be used either by such entity in the event it is the
1739 taxpayer on behalf of such entity or by the member, partner, shareholder, or beneficiary,
1740 as the case may be, in proportion to its interest in such entity in the event that income,
1741 deductions, and tax liability passes through such entity to such member, partner,

shareholder, or beneficiary. Such tax credits may not be claimed by both the entity and the member, partner, shareholder, or beneficiary, for the same conveyance.

(8) Any tax credits which arise under this chapter from the qualified donations of certified land by a married couple shall be used only if the spouses file a joint return, if both spouses are required to file Massachusetts income tax returns. If only one spouse is required to file a Massachusetts income tax return, that spouse may claim the credit allowed by this chapter on a separate return.

SECTION 8. Chapter 63 of the General Laws, as appearing in the 2006 Official Edition is hereby amended by inserting after section 38W the following section:-

Section 38X. (a) As used in this section, the following words shall have the following meanings:-

"Bargain sale", the sale of an interest in real property by a taxpayer at a cost below appraised market value, when a portion of the value of the interest in real property is a qualified donation, as such terms are defined herein, and which meets the requirements of section 1011(b) of the Internal Revenue Code of 1986, as amended.

"Certified land", an interest in real property, the donation or bargain sale of which has first been determined by the secretary of environmental affairs to be in the public interest for natural resource protection including, but not limited to, drinking water supplies, wildlife habitat and biological diversity, agricultural and forestry production, recreational opportunities, archaeological and historical resources, or scenic and cultural values; provided, however, that the secretary of environmental affairs shall assure that all certified lands are protected in perpetuity.

"Interest in real property", any right in real property in the commonwealth, with or without improvements thereon, or water, including, but not limited to, fee simple, life estate, restriction, easement, covenant, condition, partial interest, remainder, future

1773 interest, lease, license, mineral right, riparian right, or other interest or right in real
1774 property that may be conveyed concerning the power to transfer property.

1775
1776 "Public or private conservation agency," the commonwealth, or any subdivision
1777 thereof, or any municipality, or private nonprofit corporation organized for the purposes
1778 of land conservation, which is authorized to do business in the commonwealth, and which
1779 has tax-exempt status as a nonprofit charitable organization as described in section
1780 501(c)(3) of the Internal Revenue Code of 1986, as amended.

1781
1782 "Qualified donation," a donation, or the donated portion of a bargain sale, made in
1783 perpetuity of a fee interest in real property or a less-than-fee interest in real property,
1784 including a conservation restriction, agricultural preservation restriction or watershed
1785 preservation restriction, pursuant to chapter 184, provided that such less-than-fee interest
1786 meets the requirements of qualified conservation contributions under section 170(h) of
1787 the Internal Revenue Code of 1986.

1788
1789 "Taxpayer," a taxpayer subject to the income tax under this chapter.

1790
1791 (b) A taxpayer making a qualified donation of certified land to a public or private
1792 conservation agency shall be allowed a credit against the taxes imposed by this chapter.
1793 The credit shall be equal to 50 percent of the fair market value of the qualified donation.
1794 The amount of the credit that may be claimed by a taxpayer for each qualified donation
1795 shall not exceed fifty thousand dollars.

1796
1797 (c) The fair market value of certified land shall be substantiated by a qualified
1798 appraisal, as defined in United States Treasury Regulation section 1.170A-13(c)(3), and
1799 shall be prepared by a Qualified Appraiser, as defined in United States Treasury
1800 Regulation section 1.170A-13(c)(5). For any taxpayer to qualify for the credit provided
1801 for in subsection (b) of this section, the taxpayer shall at the same time as the taxpayer
1802 files a return for the taxable year in which the credit is claimed, file with the department a

summary of a qualified appraisal or, if requested by said department, the taxpayer shall submit the appraisal itself.

(d) In any one tax year the credit used may not exceed the amount of tax liability otherwise owed by the taxpayer. The tax credit shall be taken against the taxes imposed under this chapter and shall not be refundable. Any amount of the credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 10 subsequent taxable years.

(e) Any tax credits issued in accordance with this section may be in addition to any charitable deductions claimed on the taxpayer's federal income tax return for the same qualified donations of certified lands.

(f) Any taxpayer claiming a state income tax or excise tax credit under this section may not claim an additional state income tax credit or deduction during any one tax year for costs related to the same interest in certified lands.

(g) Any tax credits which arise under this section from the qualified donation of certified land by a pass-through tax entity such as a trust, estate, partnership, corporation, limited partnership, limited liability partnership, limited liability corporation, subchapter S organization, or other fiduciary, shall be used either by such entity in the event it is the taxpayer on behalf of such entity or by the member, partner, shareholder, or beneficiary, as the case may be, in proportion to its interest in such entity in the event that income, deductions, and tax liability passes through such entity to such member, partner, shareholder, or beneficiary. Such tax credits may not be claimed by both the entity and the member, partner, shareholder, or beneficiary, for the same conveyance.

SECTION 9. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, but not

1834 exceeding, in the aggregate, the sum of \$1,348,680,000. All bonds issued by the
1835 commonwealth, as aforesaid, shall be designated on their face, Preservation and
1836 Improvement of Environmental Assets Loan Act of 2008, and shall be issued for a
1837 maximum terms of years, not exceeding 30 years, that the governor may recommend to
1838 the general court under section 3 of Article LXII of the Amendments to the Constitution.
1839 All these bonds shall be payable not later than June 30, 2043. All interest and payments
1840 on account of principal of these obligations shall be payable from the General Fund
1841 unless otherwise specified. Bonds and interest on bonds issued under the authority of this
1842 section, notwithstanding any other provision of this act, shall be general obligations of
1843 the commonwealth.

1844
1845 SECTION 10. To meet the expenditures necessary in carrying out section 4, the
1846 state treasurer shall, upon request of the governor, issue and sell bonds of the
1847 commonwealth in an amount to be specified by the governor from time to time, but not
1848 exceeding, in the aggregate, the sum of \$325,000,000. All bonds issued by the
1849 commonwealth, as aforesaid, shall be designated on their face, Environmental
1850 Transportation Assets Loan Act of 2008 and shall be issued for a maximum term of
1851 years, not to exceed 30 years, which the governor may recommend to the general court
1852 under section 3 of Article LXII of the Amendments to the Constitution. All these bonds
1853 shall be payable not later than June 30, 2043. All interest and payments on account of
1854 principal of these obligations shall be payable from the General Fund unless otherwise
1855 specified. Bonds and interest on bonds issued under the authority of this section,
1856 notwithstanding any other provision of this act, shall be general obligations of the
1857 commonwealth.

1858
1859 SECTION 11. Each agency acquiring land or an interest in land under section 2
1860 may expend an amount not to exceed 5 per cent of the amount appropriated to that
1861 agency in section 2 for the purpose of reimbursing nonprofit land conservation
1862 organizations or land trusts for reasonable expenses directly associated with the
1863 acquisition of land or interests in land subsequently conveyed to the commonwealth.
1864 Reimbursements shall be made at the discretion of the agency. The secretary of energy

and environmental affairs shall determine by regulation what shall constitute reasonable expenses. If the commonwealth does not take title to the property through no fault of the nonprofit organization or the commonwealth, the commonwealth may reimburse the nonprofit organization for reasonable expenses associated with due diligence. An organization receiving a reimbursement under this section shall convey the land or interest in land to the agency for an amount not to exceed the actual purchase price paid by the organization for the land or interest in land in addition to any reimbursement received under this section.

SECTION 12. No amounts authorized in section 2 shall be used by a recipient municipality for the supplementing or supplanting of normal operating expenses of any function of the municipality.

SECTION 13. Notwithstanding any general or special law to the contrary, funds may be expended for services rendered by agency employees or by consultants necessary to support projects authorized in section 2 and section 4.

SECTION 14. Notwithstanding any general or special law to the contrary, upon acquiring any fee interest in land for purposes within Article XCVII of the Amendments to the Constitution, all state agencies, commissions and boards expending or receiving state funds under this act shall obtain the approval of the secretary of energy and environmental affairs before implementing or endorsing any prohibition of fishing, hunting or trapping on that land and shall provide the secretary with written justification of the prohibition.

SECTION 15. Notwithstanding section 30 of chapter 29 of the General Laws or section 65 of chapter 30 of the General Laws, a portion of the funds authorized in section 2 may be used for the costs associated with the purchase of title insurance and services for title examinations, reports and certifications.

SECTION 16. All expenditures from items in section 2 authorized as grants to non-public entities shall be expended for public purposes and shall comply with Article 103 of the Amendments to the Constitution and 815 CMR 2.00.

SECTION 17. The water pollution abatement trust established under chapter 29C of the General Laws may make a loan to the city of Worcester for the components within the city of the project described in Department of Conservation and Recreation Waste Water Project No. WM93-001-SIA, Waste Water Facilities Plan West Boylston- Holden-Wachusett Reservoir Project, which are on the department of environmental protection's intended use plan for calendar year 2008. Notwithstanding any general or special law to the contrary, the commonwealth shall provide contract assistance to the trust under section 6 or section 6A of said chapter 29C in each fiscal year of the commonwealth in amounts sufficient to provide a subsidy or other assistance to the trust for all of the debt service payable on the loan.

SECTION 18. The division of marine fisheries shall make expenditures provided for in item 2300-7018 of section 2 of this act for a shore-based monitoring program of federally-managed fisheries for herring and mackerel within the commonwealth in accordance with this section.

The division shall make such expenditures and operate the program under the direction of an oversight committee, which shall consist of the 9 members of the marine fisheries advisory commission and 1 additional member who shall be a chairperson appointed by the secretary of environmental affairs. The division shall report annually to the oversight committee on program performance and expenditures.

All vessels in federally-managed herring and mackerel fisheries landing catch in the commonwealth shall offload the catch only under the supervision of certified shore-based fishery observers who are either commonwealth employees or independent third-party contractors, who will ensure that, at minimum, the following data are collected, recorded, and made available to the public in summarized fashion within 48 hours in an

easily understood format that is consistent with national marine fisheries service requirements for the protection of individual vessel and dealer privacy: 1) actual weights of all landed target catch, incidental catch and bycatch, using methods approved by the division of standards; and 2) a breakdown, by species, of the composition of the entire landed catch by actual weight, landed catch to include all fish offloaded whether or not retained for processing.

For the purposes of this section, a certified shore-based fishery observer means someone who has been certified by the commonwealth or the national marine fisheries service under the observer certification guidelines outlined in 50 CFR Part 648.11, or the equivalent as approved by the program oversight committee, and who has no financial interest related to any small mesh pelagic fishery.

SECTION 19. Notwithstanding any general or special law to the contrary, the unexpended and unencumbered balances of the bond funded authorizations in the following accounts shall cease to be available for expenditure: 2240-9101, 2240-9105, 2240-9106, 2240-9107, 2890-0012, 2250-8881, 2260-9882, 2820-7882, 2820-8881, 2820-8882, 2820-8883, 2840-8886, 2840-8889, 2890-0013, 2890-0014, 2890-0015, 2890-0016, 2820-8936, 2800-0950, 2800-0951, 2800-0952, 2820-8951, 2840-8950, 2840-8952, 2840-8956, 2850-9951, 2890-0017, 2890-0019, 2260-9965, 2895-8968, 2000-7968, 2000-9963, 2200-8969, 2250-9959, 2300-7967, 2300-8961, 2300-8970, 2320-8960, 2320-8978, 2800-1961, 2820-8960, 2820-8961, 2840-8963, 2840-8965, 2850-6966, 2850-6967, 2850-9969, 2896-8967, 2820-6996, 2840-9990, 2895-8998, 2000-1997, 2000-7992, 2000-7993, 2300-7991, 2300-7992, 2800-1122, 2800-7991, 2800-7992, 2800-7993, 2800-7994 2820-1420, 2840-7991, 2840-7992, 2840-7993, 2840-7994.

SECTION 20. (a) There shall be a special water infrastructure finance commission to develop a comprehensive, long-range water infrastructure finance plan for the commonwealth and its municipalities.

(b) The commission shall consist of the commissioner of environmental protection or his designee, the state treasurer or his designee, 1 member of the senate; 1 member of the house of representatives; 1 person to be appointed by the president of the senate and 1 person to be appointed by the speaker of the house of representatives, each of whom shall be a representative of a planning organization, environmental consumer organization or other public interest organization; 1 person to be appointed by the minority leader of the senate and 1 person to be appointed by the minority leader of the house, each of whom shall be from different geographic regions of the commonwealth and who shall be representatives of the business community; a representative of the Boston Water and Sewer Commission; and 9 persons to be appointed by the governor who shall not be employees of the executive branch and who shall reside in different geographic regions of the commonwealth, 1 of whom shall be a representative of the American Council of Engineering Companies of Massachusetts, 1 of whom shall be a representative of the Utility Contractors Association of New England, 1 of whom shall be a representative of the Massachusetts Waterworks Association, 1 of whom shall be a representative of the Massachusetts Municipal Association, 1 of whom shall be a representative of Clean Water Action, 1 of whom shall be a representative of Associated Industries of Massachusetts, 1 of whom shall be a representative of the Environmental League of Massachusetts, 1 of whom shall be a representative of the Conservation Law Foundation and 1 of whom shall be a representative of the Massachusetts Water Pollution Control Association. The aforementioned organizations shall provide a list of at least 3 but not more than 5 candidates for consideration by the governor. Each of the members shall be an expert or shall have experience in the field of law or public policy, water, wastewater or storm water planning, design and construction of water, wastewater or storm water projects, utility management, management consulting or organizational finance; provided, however, that at least 1 member shall have expertise in organizational finance. The governor shall designate a member to serve as the chairperson of the commission but the chairperson shall not be the commissioner of environmental protection, the state treasurer or their designees. The members of the commission shall be appointed not later 90 days after the effective date of this act and serve until the completion of the long-range infrastructure finance plan.

(c) In the course of its deliberations, the commission shall make it a priority to examine the technical and financial feasibility of sustaining, integrating and expanding public water systems, conservation and efficiency programs, wastewater systems and storm water systems of municipalities and the commonwealth, including regional or district systems. Further, the commission shall: (1) examine the water infrastructure needs of the commonwealth for the next 25 years as they relate to the funding gap between the water infrastructure needs of the commonwealth and the existing, available sources of funding; (2) develop mechanisms for additional funding for water infrastructure by increasing investment in critical water, wastewater, storm water and water conservation infrastructure; (3) provide mechanisms for improvements in the handling and management of water programs; (4) examine the potential threats to public health and public safety from the existing shortfalls in funding for water infrastructure; (5) examine and develop recommendations on ways in which the commonwealth and its municipalities may meet operation and maintenance, and capital improvement and reconstruction needs for the next 25 years including, without limitation, recommendations regarding debt reduction, enhancing existing sources of revenues, developing new sources of revenues, establishing new incentives for public-private partnerships in the development of real property resources and funding resources; and (6) examine the expanded use of full accounting systems and enterprise funding, asset management systems and best management practices, compliance with chapter 21G of the General Laws and Massachusetts water policy, and current federal and state funding programs.

The commission shall examine the finances of the various municipalities and regional water districts, including state and federal aid levels, and make recommendations for improvements to financial policies and procedures. The commission shall identify areas where cost savings can be achieved across water agencies by consolidation, coordination and reorganization. The commission shall examine the projected federal funding, projected state funding, projected local funding, projected fee-based funding, debt financing and any other sources of projected funding to finance water infrastructure needs identified by the commission.

(d) The commission shall develop recommendations as to what funding or finance measures the commonwealth or its municipalities may pursue to satisfy any unmet funding needs identified by the commission. The recommendations shall also include any recommendation for interagency agreements, intermunicipal agreements, consolidations or mergers to enable the commonwealth and its municipalities to make the most effective use of water funding resources. The recommendations shall identify fair and equitable means of financing water infrastructure investments through taxes, fees, user charges or other sources.

(e) The commission may hold public hearings to assist in the collection and evaluation of data and testimony.

(f) The commission shall prepare a written report detailing its financials relative to identified funding sources and its recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect. The commission shall submit its initial report to the governor, the secretary of environmental affairs, the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on the environment not later than 2 years after the effective date of this act.

(g) Any research, analysis or other staff support that the commission reasonably requires shall be provided by the executive office of environmental affairs and its agencies, with assistance from the Massachusetts Water Resources Authority.

SECTION 21. Notwithstanding sections 8B to 8D of chapter 21 of the General Laws or chapter 21G of the General Laws or any general or special law to the contrary, any withdrawal of water greater than 5,000 gallons per day from any water source for the purposes of bottling the water for retail sale shall be prohibited. Said prohibition shall take effect upon its passage and shall expire on January 1, 2010 or when the department of environmental protection adopts regulations regarding withdrawals of water, whichever first occurs.

SECTION 22. (a) The secretary of energy and environmental affairs shall promulgate regulations to define land eligible for certification under subsection (o) of

2049 section 6 of chapter 62 of the General Laws and under section 38X of chapter 63 of the
2050 General Laws. Such regulations shall be promulgated within 180 days after the effective
2051 date of this act.

2052
2053 (b) The secretary of environmental affairs shall, within 5 years after the effective
2054 date of this act, prepare a report to the joint committee on revenue and the joint
2055 committee on environment, natural resources and agriculture, describing the certified
2056 lands conserved under subsection (o) of section 6 of chapter 62 of the General Laws and
2057 section 38X of chapter 63 of the General Laws.

2058 (c) The commissioner of revenue shall, in consultation with the secretary of
2059 energy and environmental affairs, promulgate regulations to administer subsection (o) of
2060 section 6 of chapter 62 of the General Laws and section 38X of chapter 63 of the General
2061 Laws. Such regulations shall include provisions to prevent the generation of multiple
2062 credits with respect to the same property. Regulations shall be promulgated within 180
2063 days after the effective date of this act.

2064 (d) The commissioner of revenue shall, within 5 years after the effective date of
2065 this act, submit a report to the joint committee on revenue and the joint committee on
2066 environment, natural resources and agriculture, calculating the annual tax savings under
2067 subsection (o) of section 6 of chapter 62 of the General Laws and section 38X of chapter
2068 63 of the General Laws.

2069 (e) There shall be a commission to study the transferability of tax credits under
2070 subsection (o) of section 6 of chapter 62 of the General Laws and section 38X of chapter
2071 63 of the General Laws. The commission shall be composed of 9 persons, including the
2072 commissioner of the department of agricultural resources, or his designee, who shall
2073 serve as chairman; the commissioner of revenue, or his designee; 2 members of the house
2074 of representatives, 1 of whom shall be appointed by the minority leader; 2 members of
2075 the senate, 1 of whom shall be appointed by the minority leader; a representative of the
2076 American Farmland Trust; a representative of the Massachusetts Audubon Society; and a
2077 representative of The Nature Conservancy. The commission shall examine all aspects of
2078 transferability including, but not limited to: the status of its application in other states,
2079 potential fiscal impacts and potential conservation benefits. The commission shall file a

report of its findings and recommendations, including any drafts of legislation necessary to put its recommendations into effect, with the joint committee on revenue and the joint committee on environment, natural resources and agriculture on or before January 1, 2011.

SECTION 23. Nothing in sections 7, 8, or 22 of this act shall be construed to alter or amend any permitting requirements, reporting requirements, allocation procedures or other requirements set forth in any other provision of the General Laws.

SECTION 24. Notwithstanding any general or special law to the contrary, the commonwealth shall not issue any permits to new liquefied natural gas plants that are to be located within 1 mile of a school, hospital, or nursing home. The provisions of this section shall apply to all LNG import terminals constructed after January 1, 2007

SECTION 25. Subject to appropriation, the secretary of transportation and public works shall create a quiet zone assistance grant program. Any public authority eligible to apply for the creation of a quiet zone, as defined by the United States Secretary of Transportation pursuant to 49 U.S.C section 20153, may apply for a quiet zone assistance grant for financial aid for the improvements necessary to create said quiet zone. Eligible improvements must meet the standards specified by 49 USC 20153 and the United States secretary of transportation for quiet zones, and may include, but shall not be limited to, 4-quadrant gate systems, gates with medians or channelization devices, 1-way streets with gates, photographic enforcement, programmed enforcements, and public education and awareness programs. Any public authority may be eligible for a quiet zone assistance grant up to 50 per cent of the total cost to implement a new quiet zone.

SECTION 26. (a) Notwithstanding sections 40E to 40J, inclusive of chapter 7 of the General Laws and any general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may grant to the city of Lowell or release such real property interests owned by the commonwealth as may be necessary to permit the city of Lowell

to acquire fee interests, easements or other rights for an overhead bridge, pedestrian and vehicular bridges, utility services, and public highway purposes in, over and to certain parcels of land within the Lowell Heritage State Park. Such real property interests are currently in the care and control of the division of conservation and recreation and are held for recreation and conservation purposes. Fee interests and easements granted to the city and releases of real property interests may be located within such volumetric areas in the air rights above, and the subsurface areas below, such parcels of land as are necessary for such purposes. Such fee interests and easements may also include the right to displace the water in the canals within such parcels to install bridge supports and access for the maintenance, repair and replacement of the bridges and utility services. The areas and volumes of such fee interests, easements or releases shall be substantially as shown on a plan entitled "Easement Plan of Land Located in Lowell, Massachusetts (Middlesex County)" dated June 5, 2008, prepared by Meridian Associates, Inc. (Sheets 1 and 2). The fee interests, easements or releases are further described in subparagraphs (1) to (4), inclusive.

(1) Fee interests, easements or releases of interests held by the department of conservation and recreation in parcels A-1, A-2, A-3, A-4, B-1 and B-2 may be granted for the purpose of constructing, renovating and maintaining pedestrian and vehicular access bridges and utility services, and other public highway purposes over the Lower Pawtucket Canal.

(2) Fee interests, easements or releases of interests held by the department of conservation and recreation in Parcels E-1, E-2, F-1, F-2 and F-3 may be granted for the purpose of constructing, renovating and maintaining pedestrian and vehicular access bridges and utility services, and other public highway purposes over the Hamilton Canal.

(3) Fee interests, easements or releases of interests held by the department of conservation and recreation in Parcels C-1, C-2, G-1 and G-2 may be granted for the purpose of constructing, renovating and maintaining pedestrian access structures and utility services and to provide public access from Jackson Street to the Appelton Mills Building.

(4) Fee interests, easements or releases of interests held by the department of conservation and recreation in Parcels D-1 and D-2 may be granted for the purpose of

renovating and maintaining an existing overhead bridge from the Appleton Mills Building over Jackson Street.

(b) The commissioner of capital asset management and maintenance may make minor modifications to the plan if such modifications are necessary to carry out the purposes of this section.

(c) The consideration for the grants of fee interests, easements and releases described in subsection (a) shall be \$1. No instrument by or on behalf of the commonwealth, granting the fee interests or easements or releasing interests of the commonwealth as described in said subsection (a) shall be valid unless such instrument provides that the real property which is the subject of such grant of fee interest, easement or release shall be used solely for the purposes described in said subsection (a). Each grant of fee interest, easement or release shall stipulate that the real property interests granted or released shall revert to the commonwealth to the care and control of the division of conservation and recreation at the option of the commissioner of the division of capital asset management and maintenance if the property ceases to be used for the express purpose set forth in the grant or release instrument.

(d) The city of Lowell shall bear the cost of any surveys and other expenses deemed necessary by the commissioner of capital asset management and maintenance for the granting of fee interests, easements or releases pursuant to this section.

(e) To ensure a no-net-loss of lands protected for conservation and recreation purposes on account of the conveyances and releases authorized in this section, the grantee shall ensure that lands of equal or greater acreage and value, acceptable to the department of conservation and recreation, are permanently protected for such purposes under the ownership of either the city of Lowell or the commonwealth following substantial completion of the project to which the conveyances or releases pertain.

SECTION 27. The secretary of administration and finance in conjunction with the secretary of energy and environmental affairs shall submit a report on the progress of, and all expenditures related to the projects specified in this act and any other projects funded through the authorizations in this act to the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means, the

2173 chairs of the joint committee on environment, natural resources and agriculture and the
2174 senate and house chairs of the joint committee on bonding, capital expenditures and state
2175 assets. The report shall include, but not be limited to: the total amount appropriated for
2176 each project, the total estimated cost of each project, the amount expended for the
2177 planning and design of each project up to the time the report is filed, the amount
2178 expended on construction of each project up to the time the report is filed, the total
2179 amount currently expended on each project, the original estimated completion date of
2180 each project, the current anticipated completion date of each project and, if the project
2181 has been de-authorized, the reason for and date of de-authorization. The report shall be
2182 submitted on June 30 and December 31 of each year for a period of 8 years after the
2183 effective date of this act.

2184
2185 SECTION 28. Sections 7 and 8 shall be effective for tax years beginning on and
2186 after January 1, 2010.

2187
2188 SECTION 29. Section 19 shall take effect 90 days after the effective date of this
2189 act.